

November 3, 2014

VIA ECF

Honorable Kimba M. Wood
United States District Judge
United States Courthouse
500 Pearl Street, Room 18B
New York, New York 10007

Re: *Gulino v. Board of Education*, 96-CV-08414 (KMW)

Dear Judge Wood:

Pursuant to the Court's direction, the plaintiffs and Defendant Board of Education of the City School District of the City of New York ("BOE") jointly submit this letter to advise the Court of the progress made in this case during the past week.

1) Update on Work of the Court-Appointed Test Validation Expert

On October 30, 2014, NCS Pearson ("Pearson") produced documents requested by Dr. Outtz and subpoenaed by plaintiffs on August 12, 2014. (*See* Order dated October 16, 2014 [ECF No. 512].) Dr. Outtz has no further outstanding discovery requests at this time.

2) Relief-Phase/Update on Work of the Special Master

a) *Interim Report and Recommendation*

On October 24, 2014, the Special Master filed with the Court his Interim Recommendations and Report regarding the BOE's proposed defenses. The parties must file any objections to the Report with the Court by November 7, 2014.

b) *Relief-phase Discovery*

On July 1, 2014, and on July 30, 2014, the plaintiffs served requests for the production of documents on the BOE related to relief-phase damages issues. The BOE produced documents in response to these requests on September 17, 2014 and September 24, 2014. On September 25, 2014, the plaintiffs requested that the BOE clarify and supplement certain information in these productions, including by providing actual payroll records. On October 24, 2014, the BOE reported that it would produce certain additional information by early November but that it does not have access to payroll records. On October 28, 2014, the plaintiffs requested that the BOE explain why it does not have access to payroll records and asked whether the BOE could produce W2 forms as an alternative.

On August 21, 2014, the plaintiffs served subpoenas *duces tecum* and *ad testificandum* on the Teachers' Retirement System of the City of New York ("TRS"), to facilitate the development of a damages model. On September 29, 2014, TRS produced documents in response to the

subpoena *duces tecum*. The parties have scheduled a Rule 30(b)(6) deposition of a TRS representative for November 12, 2014.

The parties and Special Master have scheduled their next status meeting for November 6, 2014.

c) Mediation

The parties and Special Master have agreed to add mediation to the Special Master's duties. On October 14, 2014, the parties submitted to the Special Master a draft amendment to his appointment order, and the Special Master suggested minor revisions. The plaintiffs have submitted a draft, revised appointment order to the BOE for review. Once the BOE and Special Master have reviewed the revised appointment order, the parties will submit it to the Court for approval.

3) Class-Wide Injunctive Relief

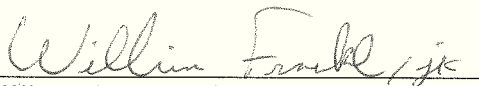
By Order dated October 15, 2014 [ECF No. 509], the Court requested certain information related to the plaintiffs' request for class-wide injunctive relief [ECF No. 490]. The parties filed a joint response with the Court on October 23, 2014 [ECF No. 515]. On October 31, 2014, the BOE proposed injunction language to the plaintiffs. The parties will confer about the language and make a joint submission to the Court by November 12, 2014, pursuant to the Court's October 15, 2014 Order.

4) Claim Forms

On September 30, 2014, Court-appointed claims administrator Garden City Group, Inc. ("GCG") mailed a claim form to 15,567 potential claimants and made the form available electronically on the website www.gulinolitigation.com. GCG has begun to receive claim forms from claimants. The parties and GCG have agreed on a protocol for processing completed claim forms and any required claimant-specific discovery.

The parties are available to the Court should Your Honor have any questions.

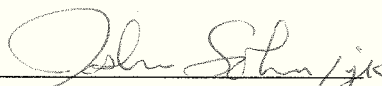
Respectfully submitted,



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